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OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



October 18, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

**THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT REPORT BACK
REGARDING TRAINING GUIDELINES RELATED TO IMPLICIT BIAS AND
CULTURAL COMPETENCY TRAINING INSTRUCTION**

On August 16, 2016, the Board requested the Los Angeles County (County) Sheriff's Department (Department) in collaboration with the Chief Executive Officer (CEO) and Inspector General, to summarize required training guidelines for deputy sheriff trainees mandated by Peace Officer Standards and Training related to implicit bias and cultural competency instruction, and outline the continuous education for Department personnel through in-service training.

- Summarize the required training guidelines for deputy sheriff recruits (Recruits) mandated by the Peace Officer Standards and Training related to implicit bias and cultural competency.

Currently, the California Commission on Peace Officer Standards and Training (POST) has no specific required training within the Regular Basic Course (RBC) in the areas of implicit bias or cultural competence. Additionally, there is no formal mention or recognition of the term "cultural competence" in any POST mandated training or administrative policies. Although the term "cultural competence" is not mentioned, the definition is similar to the POST Racial Profiling training that has been mandated for many years. Racial Profiling training has been taught in the RBC curriculum since approximately 1999 and is specifically addressed in the 16 hours of instruction to recruits during Learning Domain (LD) #42: Cultural Diversity/Discrimination. This LD includes a trip to the Los Angeles Museum of Tolerance.

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In 2014, the Department self-implemented additional training in the RBC curriculum during the facilitation of LD #1: Ethics, Leadership, and Professionalism. The curriculum change was affected in order to educate students in the areas of Constitutional Policing, Procedural Justice, Police Legitimacy, and Bias (Explicit and Implicit).

In an effort to continue our leadership role in law enforcement training, as well as recognize the fact that training needs to be in a constant and fluid state of revision, the Department's Training Bureau will be adding a new course of study to the RBC training curriculum titled, "Communication and Police Legitimacy." This course will focus on interpersonal communication, while also relating it to managing conflict, relationship building, escalation and de-escalation, problem solving, constitutional policing, procedural justice, bias (explicit & implicit), and police legitimacy. We anticipate incorporating this course of instruction within the next year.

- Outline the continuous education and certification opportunities for Department personnel through in-service training.

The Department's Training Bureau currently addresses constitutional policing in all advanced officer training courses, and familiarizes students with procedural justice, bias (explicit and implicit), and police legitimacy in the following courses:

- Security Officer Academy
- Patrol School (Field Operations Training Program – Orientation)
- Field Training Officer (FTO) Course
- Sergeant Supervisory Course
- Use of Force and Police Legitimacy Course
- Adaptive Policing Course

In an effort to further broaden the subject matter knowledge base of principle curriculum designers for the above Departmental training, two POST Master Instructors assigned to the Department's Training Bureau attended the California Department of Justice (DOJ), POST-certified, Principled Policing and Implicit Bias (Train-the-Trainer) Course on September 21, 2016 through September 22, 2016, in Sacramento, California. This will further aid the organization in adapting to current trends, lessons learned, and best practices in the knowledge domain. This will also assist in being able to create and design new training to be implemented that will address the needs of the Department and the communities we serve.

This two-day (16-hour) course provides a "how to" on teaching policing approaches that emphasize respect, listening, neutrality, and trust (Procedural Justice), while also addressing the common implicit biases that can be barriers to these approaches (Implicit Bias). Law enforcement can improve trust and relationships

between law enforcement agencies and their communities by using these principles to evaluate their policies, procedures, and training within their departments. The course covers instruction on how law enforcement agencies can prepare to teach the one-day (8-hour) course "Principled Policing: A Discussion of Procedural Justice & Implicit Bias" with a focus on ensuring an effective and high-quality training. We anticipate presenting the course to Department personnel beginning in November 2016.

On April 28, 2015, the Department entered into a settlement agreement with the United States Department of Justice (USDOJ) regarding policing practices in the Antelope Valley. As a result of the agreement, the Department and USDOJ are working jointly to develop training that will have curriculum related to implicit bias and bias free policing.

The training given to recruits in the Regular Basic Academy course and the continued in-service training that our personnel receive throughout their careers, directly supports the Department's commitment to constitutional policing as outlined in the Department's Manual of Policy and Procedures section 5-09/520.00 Constitutional Policing and Stops.

In an effort to capture adherence to Constitutional Policing Practices the Department will utilize multi-dimensional performance measurements. Many of the courses in which implicit bias and cultural competency concepts are taught are mandatory for Department personnel so compliance is easily tracked through the Department's Learning Management System. The Department's Personnel Performance Index and the forthcoming upgrade to the system are viable tools in detecting potential patterns of bias, as well as highlighting exemplary service of Department personnel.

Should you have any questions or require additional information, please contact Captain Scott Gage, Training Bureau, at (323) 307-8600.

Sincerely,



JIM McDONNELL
SHERIFF

DEFINITIONS

IMPLICIT BIAS AND

CULTURAL COMPETENCE

Procedural Justice

Fundamentally, procedural justice concerns the fairness and the transparency of the processes by which decisions are made, and may be contrasted with distributive justice (fairness in the distribution of rights or resources), and retributive justice (fairness in the punishment of wrongs). Hearing all parties before a decision is made is one step which would be considered appropriate to be taken in order that a process may then be characterized as procedurally fair.

Some theories of procedural justice hold that fair procedure leads to equitable outcomes, even if the requirements of distributive or restorative justice are not met. It has been suggested that this is the outcome of the higher-quality interpersonal interactions often found in the procedural justice process, which has shown to be stronger in affecting the perception of fairness during conflict resolution.

Police Legitimacy

Police legitimacy reflects the belief that the police ought to be allowed to exercise their authority to maintain social order, manage conflicts, and solve problems in their communities. Legitimacy is reflected in three judgments.

1. The first is **public trust** and confidence in the police. Such confidence involves the belief that the police are honest, that they try to do their jobs well, and that they are trying to protect the community against crime and violence.
2. Second, legitimacy reflects the willingness of residents to defer to the law and to police authority, i.e. their sense of obligation and responsibility to **accept police authority**.
3. Finally, legitimacy involves the belief that police actions are **morally justified** and appropriate to the circumstances.



Research consistently shows that minorities are more likely than whites to view law enforcement with suspicion and distrust. Minorities frequently report that the police disproportionately single them out because of their race or ethnicity. This perception about the lawfulness and legitimacy of law enforcement are an important criterion for judging policing in a democratic society. Lawfulness means that police comply with constitutional, statutory, and professional norms. Legitimacy is linked to the public's belief about the police and its willingness to recognize police authority.

Racial and ethnic minority perceptions that the police lack lawfulness and legitimacy, based largely on their interactions with the police, can lead to distrust of the police. Distrust of police has serious consequences. Most importantly, it undermines the legitimacy of law enforcement. Without legitimacy, police lose their ability and authority to function effectively.

DEFINITIONS

IMPLICIT BIAS AND

CULTURAL COMPETENCE

Bias

The practice of fair and impartial policing is built on understanding and acknowledging human biases, both explicit and implicit. All human beings have biases or prejudices as a result of their experiences, and these biases influence how they might react when dealing with unfamiliar people or situations.

Explicit Bias

An explicit bias is a conscious bias about certain populations based upon race, gender, socioeconomic status, sexual orientation, or other attributes. Common sense shows that explicit bias is incredibly damaging to police-community relations.

Implicit Bias

There is a growing body of research evidence that shows that implicit bias (the biases people are not even aware they have) are harmful as well. *implicit bias* is the bias in judgment and/or behavior that results from subtle cognitive processes (e.g., implicit attitudes and implicit stereotypes) that often operate at a level below conscious awareness and without intentional control. The underlying implicit attitudes and stereotypes responsible for implicit bias are those beliefs or simple associations that a person makes between an object and its evaluation that "...are automatically activated by the mere presence (actual or symbolic) of the attitude object" (Dovidio, 2002; Banaji, 2010). Although automatic, implicit biases are not completely inflexible: They are malleable to some degree and manifest in ways that are responsive to the perceiver's motives and environment (Blair, 2002).

Defining Implicit Bias

Also known as implicit social cognition, implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Residing deep in the subconscious, these biases are different from known biases that individuals may choose to conceal for the purposes of social and/or political correctness. Rather, implicit biases are not accessible through introspection.

The implicit associations we harbor in our subconscious cause us to have feelings and attitudes about other people based on characteristics such as race, ethnicity, age, and appearance. These associations develop over the course of a lifetime beginning at a very early age through exposure to direct and indirect messages. In addition to early life experiences, the media and news programming are often-cited origins of implicit associations.

A Few Key Characteristics of Implicit Biases

DEFINITIONS

IMPLICIT BIAS AND CULTURAL COMPETENCE

- Implicit biases are **pervasive**. Everyone possesses them, even people with avowed commitments to impartiality such as judges.
- Implicit and explicit biases are **related but distinct mental constructs**. They are not mutually exclusive and may even reinforce each other.
- The implicit associations we hold **do not necessarily align with our declared beliefs** or even reflect stances we would explicitly endorse.
- We generally tend to hold implicit biases that **favor our own ingroup**, though research has shown that we can still hold implicit biases against our ingroup.
-

Implicit biases are **malleable**. Our brains are incredibly complex, and the implicit associations that we have formed can be gradually unlearned through a variety of de-biasing techniques.

Cultural Competence: <http://www.businessdictionary.com/definition/cultural->

A set of behaviors, policies, and attitudes which form a system or agency which allows cross-cultural groups to effectively work professionally in situations. This includes human behaviors, languages, communications, actions, values, religious beliefs, social groups, and ethic perceptions. Individuals are competent to function on their own and within an organization where multi-cultural situations will be present.

Constitutional Policing:

An agency performs Constitutional Policing when its policies, procedures, and actions are in harmony with the United States Constitution and provide safeguards, accountability, and oversight to ensure implementation and adherence to such policies, procedures and actions.

POST Procedural Justice and Police Legitimacy:

<https://post.ca.gov/procedural-justice-and-police-legitimacy.aspx>

POST Procedural Justice and Police Legitimacy Resources:

<https://post.ca.gov/procedural-justice-and-police-legitimacy-resources.aspx>

The President's Task Force on 21st Century Policing:

<http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P341>



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
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(213) 974-1101
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November 10, 2016

To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Sachi A. Hamai
Chief Executive Officer

Board of Supervisors
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First District

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IMPLICIT BIAS AND CULTURAL COMPETENCY TRAINING: JUSTICE SYSTEM DEPARTMENTS AND SERVICE PROVIDERS (ITEM NO. 17, AGENDA OF AUGUST 16, 2016)

On August 16, 2016, the Board directed the Chief Executive Office (CEO), in collaboration with the Interim Chief Probation Officer (Probation), Public Defender (PD), Alternate Public Defender (APD), the District Attorney (DA), Fire Chief (Fire), the Superior Court (Courts), the Los Angeles County Bar Association Indigent Criminal Defense Program (ICDP), and any other public safety departments and key community stakeholders they deem necessary, to analyze their respective required training guidelines related to implicit bias and cultural competency instruction, and to prepare a report back within 45 days.

In addition, pursuant to the Board's directive, the Sheriff's Department (Sheriff) filed a separate memo on their implicit bias and cultural competency training program to the Board on October 18, 2016.

Implicit Bias and Cultural Competency

The Board seeks to effect positive change to strengthen the relationship between County departments and the communities that they serve. In addition to institutional reforms through changes in policies and oversight, training to understand implicit bias and cultural competency will aid County staff to improve their ability to interact with members of the public.

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“Implicit Bias” refers to the attitudes or stereotypes, which may be positive or negative, that affect our understanding, actions, and decisions in an unconscious manner. (Kirwan Institute)

“Cultural Competence” is the ability to interact effectively with people of different cultures. In practice, both individuals and organizations can be culturally competent. (SAMHSA)

Current Implicit Bias and Cultural Competency Training

The aforementioned County departments and the Health Agency, which provides medical, mental health, and substance use treatment services to the justice system, have a commitment to diversity and providing unbiased services which are reflected in their respective Strategic Plan and department policies. However, County departments’ understanding of implicit bias, de-biasing techniques, and cultural competency requires improvement. Although specifically requested to provide relevant information, the initial response from County departments included training encompassing ethics, sexual harassment, gender equity, understanding generational differences, physical and mental disabilities awareness, interpersonal conflict resolution, de-escalation techniques, sex trafficking awareness, re-entry reintegration, etc. When filtered for implicit bias and cultural competency, the training topics ranged from confronting hidden prejudice and bias to the catch-all topic of “contemporary issues” (Attachment I).

Among County departments, only a few have mandatory regularly scheduled training that are, somewhat related to implicit bias or cultural competency:

- DA, PD, and APD attorneys are mandated by the State Bar to complete at least one hour of education every three years on the topic of “Recognition and Elimination of Bias”,
- DA’s newly hired victim services staff receive one-time training on “Cultural Competency” and investigative staff receive training on “Racial and Cultural Diversity – Racial Profiling”,
- Probation’s newly hired staff receive one-time training on the topic of “Disproportionate Minority Contact”, and
- Fire’s, newly hired staff receive one-time training on the topic of “Working Beyond the Stereotype.”

In addition to this short list of mandatory implicit bias and cultural competency training, County departments and ICDP provide a very limited number of optional training to staff. Furthermore, the availability of optional training ranges from “varies” to “depending on instructor availability.” With respect to metrics, most training sessions utilize a participant satisfaction survey, but there is no quantifiable measure of the efficacy training has on operations or contact with the public.

With respect to the Courts, State- and local-level training is available to judges and staff that include cultural competency, overcoming implicit bias in decision making, ensuring fairness for unrepresented litigants, and other relevant topics. These training requirements are established by the California Rules of Court and by local rule. It should also be noted the Courts are independent and do not use County training resources.

Finally, the CEO, Sheriff, Department of Public Health (DPH), Probation, DA, Community and Senior Services, Department of Children and Family Services, and the Department of Human Resources (DHR) are participating in a year-long training on advancing racial justice within governmental jurisdictions. Facilitated by the Government Alliance on Race and Equity (GARE), the trainings assist jurisdictions that are broadly inclusive but are seeking to explore the concept of racial equity more explicitly. GARE focuses on the past role governments have played in creating and maintaining racial inequities and their unique ability to harness their power and influence to eliminate those inequities. GARE proposes that to transform government, conversations about race must be normalized and behaviors and policies that address racial inequities have to be operationalized and become part of the fabric of governance. The year-long training offers guidance on developing plans to integrate explicit consideration of race and equity into decision-making within the County. Implicit bias and cultural competency training are tools that can be used to assist governments in addressing racial inequities and understanding individual and systemic bias. As the GARE learning team completes its training and develops strategies to advance race equity across the County, the Board's directive related to implicit bias training will be incorporated.

Recommended Next Steps

Given the current and historical importance of implicit bias and cultural competency in the interaction between government agencies and communities of color, the following are the recommended next steps:

1. DHR and the Human Relations Commission (HRC) to formally establish a plain language definition of implicit bias and cultural competency based on their research of national best practices that will then be used by all County departments.
2. DHR, in collaboration with HRC and input from community stakeholders, is to work with the Sheriff (currently adopting a training program from the State Department of Justice) and DPH (currently developing a training program based on GARE precepts) to adapt national best practices in implicit bias and cultural competency training that meet local community concerns.

3. Based on independent evaluations of the Sheriff and DPH programs, DHR and HRC are to:
 - a. Develop core training standards for Countywide implicit bias and cultural competency training for all departments that directly interact with the public.
 - b. Work with County departments to take the core training standards and design training specific to their respective disciplines and clientele.
 - c. Develop County department-specific metrics that measure the efficacy training has on operations or contact with the public.
 - d. Work with the County Equity Oversight Panel to ensure training content and facilitation will be compliant with the Policy of Equity.

Should you have any questions on this report, your staff may contact David Turla, Public Safety, at (213) 974-1178. If there are questions about GARE, your staff can contact Vincent Holmes, Service Integration, at (213) 974-5950.

SAH:JJ:RP
DT:VH:cc

Attachment

- c: Executive Office, Board of Supervisors
 District Attorney
 Sheriff
 Alternate Public Defender
 County Counsel
 Human Resources
 Human Relations Commission
 Fire
 Public Defender
 Public Health
 Superior Court

**Inventory of Implicit Bias and Cultural Competency Training Programs
(as of September 26, 2016)**

Year Established	Mandatory or Optional	Target Trainee	Annual No. Trainees	Duration	Refresher Timeframe
District Attorney					
1.	Elimination of Bias (Training Division) Provide training on various topics promoting the elimination of bias in the criminal justice system, and satisfying the State Bar requirement of continuing education.				
Prior to 1990	Mandatory	All DDAs, paralegals, and law enforcement	400-450	1 hr	Every 3 years
2.	Cultural Competency Training (Bureau of Victim Services) Train staff to be aware of cultural competency and unconscious bias.				
2013	Mandatory	Victim Service Representatives	10	1.5 hrs	N/A
3.	New Hire Training (Bureau of Victim Services) Train new staff about the criminal justice system, victimization and available services.				
Prior to 2000	Mandatory	New hires	10	1 hr	N/A
4.	Racial and Cultural Diversity Training - Racial Profiling (Bureau of Investigations) Train staff to be aware of cultural challenges and to keep up with current and changing racial and cultural trends.				
-	Mandatory	Investigative staff	275	-	N/A
5.	State Certified Entry Level Victim Advocate Training (Bureau of Victim Services) Train new staff about the criminal justice system, victimization and available services.				
Before 2000	Mandatory	Victim Service Representatives	4-10	-	Every 2 years
6.	Volunteer Training (Bureau of Victim Services) Train volunteers on providing outreach and services to crime victims.				
Before 2000	Mandatory	Volunteers	10	6 hrs	N/A
7.	Victims' Rights Symposium (Bureau of Victim Services) Provide training on victim's rights and services.				
2006	Optional	Open to all	300	1 day	N/A
Public Defender					
8.	Recognition and Elimination of Bias Eliminate bias in the legal profession.				
-	Mandatory	Attorneys	Attorneys	1 hr	Every 3 years
Alternate Public Defender					
9.	Elimination of Bias in a Diverse Population Train attorneys to be aware of cultural challenges and strategies to overcome those obstacles and de-escalate confrontations. Note: Investigators and paralegals have the option to attend this training.				
1994	Mandatory	Attorneys	Attorneys	1 hr	Every 3 years
Indigent Criminal Defense Program					
No formal regularly scheduled training.					

Year Established	Mandatory or Optional	Target Trainee	Annual No. Trainees	Duration	Refresher Timeframe
Fire Department					
10. New Employee Training - Sworn & Non-sworn - Working Beyond the Stereotype					
Train new employees on diversity and cultural differences within the department as well as in the communities that we service.					
2013	Mandatory	New hires (Sworn & Non-Sworn)	124	3.5 hrs	N/A
Health Services					
DHS provides some training around diversity and cultural competency. The Department has begun to further explore additional investments that will allow for the creation of new and robust training in these areas. DHS will draw upon the other Health Agency Departments existing practices.					
Mental Health					
11. Integration of Cultural Competency in Service Delivery					
Training upon request by Community Based Organization (CBO).					
Trained attorneys and support staff from Legal Aid Foundation of Los Angeles on cultural competency: County of Los Angeles demographics, cultural awareness, cultural sensitivity, and cultural humility.					
2015	Optional	Attorneys and support staff	110	1.5 hrs	N/A
12. Mental Health Presentations for Law Enforcement Personnel Pertaining to the Arabic Speaking Community Members					
Increase mental health awareness and education; increase awareness about the psychological effects of racial profiling; and educate law enforcement staff about existing mental health issues affecting the Arabic speaking community and how to access services. 15 presentations will be completed between November 15, 2016 thru April 30, 2017					
9/1/2016	Voluntarily	Law enforcement personnel in SA 3 (San Gabriel Valley)	600	1.5 hrs	N/A
Probation					
13. Disproportionate Minority Contact (DMC) Training For Trainers					
Overview of the Disproportionate Minority Contact Federal and State efforts, key decision points in the L.A. County Juvenile Justice System, and strategies being implemented within the Los Angeles County Probation Department.					
11/1/1998	Mandatory	New hire, current staff and specialized unit	376	4 hrs	N/A
14. Indian Child Welfare Act					
Provide an overview of the Indian Child Welfare Act, including the purpose and objectives of the Indian Child Welfare Act, the requirements of the Indian Child Welfare Act, and some of the factors and causes of problems in fully implementing the Indian Child Welfare Act					
6/15/2005	Optional	New hire, current staff and specialized unit	307	4 hrs	N/A
15. The Museum of Tolerance Tools for Tolerance Program Changing Role of Law Enforcement Cultural Diversity Training					
Designed to confront contemporary issues within the law enforcement community and to assist law enforcement professionals in their continuing effort to enhance skills in delivering a more effective level of service to the community.					
10/18/1995	Optional	New hire, current staff and specialized unit	308	8 hrs	N/A

ATTACHMENT I

Year Established	Mandatory or Optional	Target Trainee	Annual No. Trainees	Duration	Refresher Timeframe
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Public Health						
16.	Pilot Study on Language and Communication					
	To collect data on 15 pilot sites that measure standards on language and communication of services					
	2015-16 pilot	Optional	Provider and SAPC staff	In Progress	Ongoing	N/A
17.	SAPC-UCLA Lecture on Cultural Competency					
	One-time training to providers on how to practice more culturally and linguistically appropriate care; establish standard for language and communication of services					
	2015	Recommended	Provider and SAPC staff	180	Half day	N/A



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Janice Hahn
Kathryn Barger

Enriching Lives Through Effective And Caring Service

Cynthia D. Banks
Director

Otto Solórzano
Chief Deputy

December 15, 2016

TO: The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, CA 90012

FROM: Robin S. Toma, Executive Director
Commission on Human Relations

Cynthia D. Banks, Director
Workforce Development, Aging and Community Services

SUBJECT: **REPORT BACK REGARDING ASSESSMENT OF NATIONAL BEST PRACTICES ON TRAINING AND IMPLEMENTATION OF CONSTITUTIONAL POLICING PRACTICES, WITH AN EMPHASIS ON IMPLICIT RACIAL BIAS**

On August 16, 2016, the Board requested the Executive Director of the Los Angeles County Commission on Human Relations, to assess national evidence-based/best practices for the training and implementation of Constitutional Policing Practices, with a specific emphasis on inhibiting implicit racial bias and improving racial identity sensitivity in law enforcement/criminal justice systems, and report back to the Board in writing.

Executive Summary: While there are no national evidence based practices for training on constitutional policing or reducing implicit racial bias listed on the United States Department of Justice websites or that could be located via the internet, there is a body of social science research which informs the training approaches to reduce implicit racial bias, particularly those that involve police agencies. This memo provides an overview of research on the reduction of implicit bias that includes: 1) "Training with Counter-Stereotypes," 2) "Implicit Bias Behavior as Habit," 3) "Increased Meaningful Positive Interracial Contact," 4) "De-Escalation Training Using Scenarios and Role Playing," as well as explores the interaction between implicit bias and Masculinity Threat, Forward Panic, 5) Hiring practices, 6) Accountability, and 7) "Training for Social and Emotional Intelligence." *Based on the aforementioned research, the most promising training*

programs on implicit racial bias and improving racial identity sensitivity must include not only an awareness and understanding of implicit bias, but specific guidance on reducing implicit racial bias for both individuals and agencies, rooted in the research presented. Additionally, this report identifies further research activities on implicit bias and policing. Finally, a side-by-side comparison chart of three major bias reduction training programs for police in the U.S. is provided.

Full Report and Analysis

This memo sets forth research findings that relate to the issues of primarily implicit race bias and its implications for training of law enforcement. In addition, this memo also presents a comparison of the most current foremost police training programs in the nation that give attention to not just awareness of implicit bias, but some give consideration of ways to reduce it, as well as other current policing challenges¹.

Assessment of national evidence-based/best practices for the training and implementation of Constitutional Policing Practices

Constitutional Policing has been defined as “policing that operates within the parameters set by the U.S. Constitution, state constitutions, the body of court decisions that have interpreted and spelled out in greater detail what the text of the Constitution means in terms of the everyday practices of policing.”²

Over time, Constitutional Policing is becoming increasingly integrated into practices and policies: “There is a growing recognition among police leaders that constitutional policing is a concept that should be on the minds of police officers, supervisors, commanders, and department leaders on an everyday basis. And rather than focusing only on the narrow question of whether a particular action by an officer can survive legal scrutiny, forward-thinking police leaders are reviewing their policies and practices to ensure that they not only promote community policing and crime reduction, but also advance the broad constitutional goal of protecting everyone’s civil liberties and providing equal protection under the law.”³ As a police chief of a major metropolitan department aptly summed it up, “Constitutional policing means several things, but simply put: we must never break the law to enforce the law.”

Extensive research on both the open internet and closed academic social science databases did not result in the location of a list of “best practices” in training on constitutional policing.

In general, experts suggest that traditional racial profiling and cultural sensitivity training programs about prejudice are outdated and ineffective for 21st-century needs. Today, many policing agencies face implicit biases requiring new methods that change automatic stereotyping.⁴

One of the most in-depth examinations of Constitutional Policing can be found in a 2015 report by the Police Executive Research Forum titled “Constitutional Policing as a Cornerstone of Community Policing.” The report grew from a 2014 conference of the U.S. Department of Justice COPS office that convened police executives, federal officials, academics, and civil rights leaders around that theme. Certain police practices that are most commonly at issue for their constitutionality include explicit and implicit racial bias and other biases in policing.

Specific emphasis on inhibiting implicit racial bias and improving racial identity sensitivity in law enforcement/criminal justice systems

After decades of cognitive and social psychological research, our understanding of “implicit bias” and its pervasiveness has deepened, along with our understanding on how to curb it.

We now know that all individuals, despite their best intentions, hold implicit biases regarding race, gender, and many other traits such as an individual’s profession. Implicit biases are natural and inherent functions of the human brain’s tendency to unconsciously create associations with people, things, and places, both positive and negative. Police officers, prosecutors, defense attorneys, judges, jury members and others in our criminal justice systems are no exception.

Explicit biases are related to, but different than, implicit biases. One can have no explicit bias in one’s conscious beliefs, and still harbor hidden, automatic biases that affect their decisions and actions. That is why our implicit biases may not be consistent with our deeply held values and beliefs.

Not surprisingly, our implicit biases usually favor our own group, and disfavor the others outside our group, whether defined by race, gender, or other traits. However, research has demonstrated time and time again that historically disfavored minorities can hold implicit biases against their own group, reflecting the impact of negative stereotypes which have been perpetuated by the dominant group consciously and unconsciously. A well-known example of this effect is the doll test cited in the *Brown v. Board of Education* case, which has since been replicated in more recent times with similar results.

The good news is that there is social science research which indicates that our brains and implicit biases can be changed. Although there have been academic articles on the impact of implicit bias on judges, juries, and other aspects of the criminal justice system, most have been more conceptual than empirical.⁵ For that reason, the primary focus of this memo is where there has been the most empirical analysis of the criminal justice system, which is on policing. Effective training can help our law enforcement officers manage and reduce implicit biases, as well as enable departments to achieve and sustain fair and constitutional policing practices.

Training with Counter-Stereotypes

Studies show implicit racial bias can be reduced simply by associating positive traits with people whose race usually generates negative implicit biases. In a study where non-police participants were trained to associate images of black individuals with the word “safe,” a significant reduction in weapon misidentification responses was observed among participants who were primed with the positive words and statements. This demonstrates that conscious counter-stereotyping strategies can enable individuals to overcome automatic stereotyping.⁶

Similar results have been established with experiments involving both police and non-police participants as well. In another example, subjects were asked to perform a first-person-shooter task (FPST), a high quality virtual “shoot/don’t shoot” game from a first-person point of view. Subjects were shown still images of both armed and unarmed black and white males in realistic settings and were tasked with “shooting” only armed individuals using a control key. Both police and non-police showed implicit racial bias; however, police were quicker to make correct responses in detecting the presence of a weapon. Police were also less “trigger-happy” than non-police and relied on bias less than non-police.⁷ This shows that to a certain degree, police training on weapon detection and that also utilizes counter-stereotypical imagery can potentially thwart the operation of implicit biases in such situations.

In one study, a “shoot/don’t shoot” exercise found that in initial simulations, officers were more likely to mistakenly shoot unarmed black suspects. Overtime and with increased exposure to counter-stereotypical images, however, subjects eventually were able to eliminate these bias and correct shooter error.⁸ In order to ensure the results last, researchers believe that repeated exposure is the most likely method to seeing long-lasting impacts.⁹

Implicit Bias Behavior as Habit

There have been two studies published that test long-term bias reduction using a habit breaking model. In the first study, 91 non-black students were given a test for implicit biases (the Implicit Association Test, or IAT) and randomly assigned to either an intervention or control group. In the intervention group, individuals received tailored feedback and a list of strategies on how to reduce their implicit biases. This group showed reduced rates of implicit bias two months later.¹⁰

In a similar study on gender biases, 2000 Science Technology Engineering and Mathematics faculty members were tested on their gender biases using the IAT and were randomly assigned to intervention groups and control groups. Most revealed male over female biases. Those in the intervention groups participated in workshops, received information about “bias as habit,” learned about gender stereotyping, and were given a list of strategies to reduce gender bias. When tested three days later, intervention did not

significantly alter male over female biases. Nor did it three months later. It did, however, improve positive perceptions of the department's atmosphere and the perception that the department could address conflict.¹¹

Here we see differing results regarding the effectiveness of long-term bias reduction on race versus gender bias. While more research is needed to determine how these approaches would translate into the policing context, the evidence suggested an approach that could be useful in reducing implicit racial bias.

Increased Meaningful Positive Interracial Contact

Research supports the proposition that bias, whether implicit or explicit, can be reduced as a result of increased positive contact across racial lines. One recent study at the Air Force Academy found that "white freshmen randomly assigned [to be roommates] with higher-aptitude black peers report being more accepting of blacks in general and are more likely to [room] with a black roommate the following year after reassignment to a new peer group with a different set of black peers."¹² This research points to the importance of interracial-ethnic pairing of officers or with others as an important strategy and practice that can reduce implicit bias.

Other research findings have upheld Allport's Contact Theory, that positive contact under favorable conditions can improve intergroup relations. The logic is similar to that of exposure to counter-stereotypes, but emphasizes in-person interactions and not merely provision of contrary information. As such, the President's Task Force on 21st Century Policing recommended that police departments actively create opportunities for interactions that are constructive and enjoyable as well as "not related to investigation or enforcement action, particularly in communities with high rates of investigation."¹³ Examples of such programs that agencies across the county have begun to institutionalize include *Coffee with a Cop*, *Sweet Tea with the Chief*, *Cops and Clergy*, *Citizens on Patrol Mobile*, and *Students Talking It Over with Police*. Furthermore, agencies should promote community engagement and oversight through joint task forces, evaluation boards, and open dialogues. In doing so, this presents more opportunities for positive interactions and increases the potential to build communities' understanding and positive perceptions of law enforcement.¹⁴

Programs that promote positive interactions among different racial groups are not merely social engagements that evoke "feel-good" sentiments, but could result in significant changes in implicit biases. In a "shoot/don't shoot" study, 50 officers were measured on their implicit bias by participating in a survey that evaluates black-crime association. Of the officers who self-reported as having higher levels of positive past experiences with black individuals, a lower outcome of bias was demonstrated in the "shoot/don't shoot" exercise.¹⁵

De-escalation Training Using Scenarios and Role Playing

Given that biases are essentially cognitive shortcuts – our brain bypassing rational analysis of a situation to rely on existing stereotypes to inform decision making, we see the reliance on stereotypes increase when there is fatigue and cognitive overload.¹⁶ Trainings should emphasize ways in which officers can slow situations down, buying more time to de-escalate the conflict and prevent biases from having dominant influence over behavioral responses. In his testimony at a listening session on use of force investigations and oversight, Chuck Wexler, Executive Director of the Police Executive Research Forum, said “In traditional police culture, officers are taught never to back down from a confrontation, but instead to run toward the dangerous situation that everyone else is running away from. However, sometimes the best tactic for dealing with a minor confrontation is to step back, call for assistance, de-escalate, and perhaps plan a different enforcement action that can be taken more safely later.”¹⁷

One way to practice this would be by offering realistic, scenario-based trainings. Fewer than half of all agencies provide-computer-based scenario trainings and of these agencies, officers are exposed to this scenario only once a year.¹⁸ By designing realistic scenarios using computer software, a number of variables can be manipulated to maximize results, including context and levels of ambiguity. For example, we know that higher levels of neighborhood crime can activate fear and lead to overreliance on biases. So simulations that mimic real-life scenarios with threatening environments can be practiced without risk of actual violence. Furthermore, exercises showing counter-stereotypes should be placed in ambiguous-threat situations because bias is also exacerbated when there is ambiguity.¹⁹ In other words, if an unarmed black male is shown, a benign object (e.g., a wallet) should also be present, but partially concealed or displayed in a vague way that can without more information be confused with a weapon or threat. With advanced technologies, these simulations can be interactive with virtual reality technology or at minimum video images, unlike many of the “Shoot/don’t shoot” exercises mentioned above which only utilized still images and hand-held controls.²⁰

Another phenomenon that is related to implicit and conscious brain operations is “stereotype threat” which is the tendency to behave in a manner which aligns with negative characteristics of a stereotype²¹. In a study of 99 police officers, it was found that threat of being perceived with a negative police stereotype was a strong predictor of use of force on blacks in comparison to whites.²² By using scenarios and role playing for more effective training, more positive police-community relations can develop, thereby reducing the negative public perceptions of police, and breaking the cycle of police officers reinforcing their stereotype threat.

Role of Implicit Bias and Other Behaviors

Implicit bias may interact with other variables and phenomena that cause officers to engage in avoidable use of force, such as Masculinity Threat (fear of being perceived as insufficiently masculine) and Forward Panic (when tension and fear about potential violence causes violent behavior). These factors not only differ from situation to situation, they also vary depending on the individual. Police departments have enacted policies to take these notions into account and they appear to be working. One police department noticed that officers too often exercised use of force after a foot chase. The policy was changed so that arresting officers were no longer to be the same person as the pursuing officer. Since then, the department has seen decreases in use of force in foot chases, and thus a decrease in use of force against people of color, with whom many of these foot pursuits took place.

Hiring Practices that Take into Account Bias Reduction

We know that hiring diverse employees leads to more representative staff. Agencies should also consider evaluating the types of past experiences applicants have had with individuals from varying backgrounds, and should look for overt commitments to managing biases and pursuing just policing practices, keeping in mind that biases can be reduced through personal and professional habits, if there is genuine will to do so.²³

Accountability for Bias Reduction Approaches

Agencies can also shape their internal cultures by holding officers accountable and demonstrating serious commitments to reducing biases. The implementation of body-worn cameras is one way of demonstrating this commitment, but accountability can be reinforced by introducing policies such as having supervisors monitor random video clips each month.²⁴

Also key to accountability is the strong commitment to collect and analyze data.²⁵ In doing so, agencies and independent organizations can monitor whether or not there are disparities taking place that suggest officer bias. Furthermore, managers can intervene in situations that show evidence of bias allowing them to make officers aware and develop prevention strategies moving forward.

Training for Social and Emotional Intelligence

Stronger human connections and community engagement can be achieved and a greater emphasis can be placed on the intellect and social dexterity of the police, both of which are known to improve public safety, and do not have to compromise the safety of the officer.²⁶ (Rahr & Rice, 2015) The Final Report of the President's Task Force on 21st

Century Policing aptly recommends that agencies should develop trainings to foster a culture that promotes officers to be guardians rather than warriors.

Comparison of Major Bias-in-Policing Training Programs in the U.S. (2016)

Attached to this memo is a comparison of current known major bias-reduction training programs for law enforcement in the U.S., created for this report and believed to be the first-of-its-kind. It provides a side by side comparison of three training programs: Principled Policing (SPARQ at Stanford University and California Department of Justice), Fair and Impartial Policing (FIP), and Tactical Perceptions: The Science of Justice (TP). It identifies a number of aspects of each, including the objectives, curriculum content, and methodology, and provides contact information for each. It should be noted that both the FIP and TP trainings include not only awareness of, but reduction of implicit bias in their objectives and content. It is unclear whether SPARQ includes implicit bias reduction strategies for officers and their agencies in their training. If it does not, we would recommend supplementing their training by engaging those that have expertise in providing training on that critical element.

Based on the research above, the most promising training programs on implicit racial bias and improving racial identity sensitivity must include not only an awareness and understanding of implicit bias, but specific guidance on reducing implicit racial bias for both individuals and agencies, rooted in the science and studies.

Further Research

There is much activity and change happening in our county with regards to these issues and law enforcement's responses, and additional research on these issues is ongoing. Procedural justice is an approach in newer police trainings that is related but distinct from the focus of this memo.²⁷ The Sheriff's department has begun some new training initiatives, and the LAPD is also considering some changes to their training program. The Commission staff is currently working with County Public Health on a CDC-grant funded training curriculum on implicit bias, and with DHR on building on that work to begin roll out of an implicit bias training in 2017. The Commissioners and staff are also in the midst of holding hearings and gathering information as part of its Policing and Human Relations project that includes a hearing in each Supervisorial district, as well as a hearing specifically for law enforcement perspectives that is being planned for early 2017. Both positive and negative experiences of community members are being collected to better assess policing's impact on human relations in the County, as well as responses from law enforcement agencies on how each is currently working to address concerns, and implement constitutional policing strategies."

The Commission anticipates completing its findings and recommendations in June or July of 2017, which are likely to contain additional research related to the issues that are the

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focus of this memo.

If there are questions or a need for additional information, please contact Robin Toma at (213) 639-6089.

c: Chief Executive Office
Board of Supervisors Executive Office
County Counsel

COMPARISON: MAJOR BIAS REDUCTION TRAINING PROGRAMS FOR POLICE (U.S.)

	Social Psychological Answers to Real-world Questions (SPARQ) at Stanford University	State of California Department of Justice	Fair and Impartial Policing (FIP)
Participants	In November 2015, 50 law enforcement executives from 28 departments across California received the Principled Policing training.	There are five Fair & Impartial Policing(TM) curricula offered for: (1) Academy Recruits and/or In-Service Patrol Officers (2) First-Line Supervisors (3) Mid-Managers (4) Command-level Personnel (or Command Personnel and Community Leaders) (5) Law Enforcement Trainers	Pilot Sites include: - Stockton, CA - Gary, IN - Pittsburgh PA - Fort Worth, TX - Minneapolis, MN - Birmingham, AL
Objectives	"..To unpack the concept of procedural justice and how it strengthens the relationship of trust between police and communities, and to present the concept of implicit bias."	"The Fair & Impartial Policing (FIP) training program applies the modern science of bias to policing; it trains officers on the effect of implicit bias and gives them the information and skills they need to reduce and manage their biases."	The National Initiative focuses on three key concepts: enhancing procedural justice, reducing bias, and promoting reconciliation. Through this work the National Initiative will test and implement strategies in pilot sites, conduct new research, and provide practical information for practitioners and the public." Each partner is responsible for a different aspect of the strategy. The Center for Policing Equity is tasked with developing the implicit bias training which will "...cover the suite of mind sciences that explain how and when racial disparities arise even in the absence of bigotry."
Methodology	(1) Research findings (2) Video clips illustrating key points (3) Brief and compelling PowerPoint presentations (4) Personal experiences recounted by officers and community members (5) Group exercises and (6) An opportunity for frank and honest communication among participants	(1) Lecture (2) large group discussion (3) small group exercises (4) role plays (5) scenarios (6) videos (7) action-planning.	(1) Scenarios (2) Interactive exercise (3) Repetition "to increase proficiency in identifying and preparing for identity traps in the situations most frequently faced by law enforcement."
Duration	One-day	(1) Command, 1.5 days (2) mid-level managers 6 hours (3) first line supervisors 5 hours (4) patrol officers, 6 hours (5) train-the-trainer (TOT), 2.5 days	Eight-hours
Content and Topics	(1) Procedural justice and implicit bias and how they operate (2) Goals and motivations of police officers (3) Sources of stress and cynicism in policing (4) Historical and generational effects of policing (5) Strategies for simultaneously enhancing police-community trust and improving the health and safety of police officers	(1) Understanding Human Bias (2) The Impact of Biased Policing on Community Members and the Department (3) Reducing and Managing Biases (4) Supervising to promote bias-free policing, and (5) Implementing a comprehensive agency program to produce bias-free policing	Identity traps. "Identity traps refer to situations that make people more likely to allow psychological factors (such as implicit bias and threats to one's self-concept) facilitate behaviors that are inconsistent with one's values."
Measurement and Evaluation	Stanford SPARQ evaluated the effectiveness of the course using Pre- Test and Post-Test responses.	FIP collects Post-training feedback and comments from participants.	Has built-in pre-post assessment designed and evaluated by the Urban Institute to evaluate achievement of learning goals and participants' intent to apply strategies from training.
Proprietary/Non-Proprietary	Not confirmed*	Proprietary	Non-Proprietary
Trainings Available by Request?	Not Confirmed*	Yes	Through the Office of Justice Programs' (OJP) Diagnostic Center, police departments and community groups can request training and technical assistance on implicit bias, procedural justice, and racial reconciliation.
Peace Officer Standards and Training (POST)-certified	Yes	Yes, but not in California	In Progress

	Social Psychological Answers to Real-world Questions (SPARQ) at Stanford University	State of California Department of Justice	Fair and Impartial Policing (FIP)
Additional Notes	<p>(1) The California Department of Justice developed the training in partnership with Stanford SPARQ, the Oakland and Stockton Police Departments, and the community organization California Partnership for Safer Communities.</p> <p>(2) The State of California Department of Justice, Office of the Attorney General has invited the LA County Sheriff's department to participate in a similar training.</p>		The National Initiative will make training and technical assistance available to communities not formally affiliated with this project. More information is expected to be available starting spring 2017. Trainers for pilot sites have some capacity to support interested police departments.
Affiliated Scholars	Dr. Jennifer Lynn Eberhardt, Associate Professor, Department of Psychology, Stanford University	Dr. Lorie Fridell, Associate Florida University of South Florida and former Director of Research at the Police Executive Research Forum (PERF)	<p>(1) Professor David Kennedy, Director of the National Network for Safe Communities, John Jay College of Criminal Justice</p> <p>(2) President Jeremy Travis, President of John Jay College of Criminal Justice</p> <p>(3) Professor Tracey Meares, Walton Hale Hamilton Professor of Law at Yale Law School</p> <p>(4) Professor Tom Tyler, Macklin Fleming Professor of Law and Professor of Psychology at Yale Law School</p> <p>(5) Professor Phillip Atiba Goff, Co-founder and President, Center Policing Equity, UCLA</p> <p>(6) Dr. Nancy La Vigne, Director, Justice Policy Center Urban Institute</p> <p>(7) Dr. Jocelyn Fontaine, Senior Research Associate, Justice Policy Center, Urban Institute</p>
Contact Information	<p>Email: Stanford_SPARQ@stanford.edu</p> <p>Phone: (650) 723-9765</p>	<p>Email: lfridell@fairandimpartialpolicing.com</p> <p>Phone: (813) 991-9655</p>	<p>Email: contact@ojpdiagnosticcenter.org or Phone: (855) 657-0411</p>

* Unable to make contact with organization representative to confirm information

¹ I want to acknowledge Mara Burger for her many hours of valuable work researching, analysis, writing, meetings, and follow up with contacts needed to gather the information provided in this memo. Emily Pacheco also deserves recognition for her hard work in editing and finalizing this memo.

² Police Executive Research Forum. 2015. Constitutional Policing as a Cornerstone of Community Policing: A Report by the Police Executive Forum, April, 2015. Washington, DC: Office of Community Oriented Policing Services. <https://ric-zai-inc.com/Publications/cops-p324-pub.pdf>

³ Id.

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⁵ Staats, C., Capatosto, K., Wright, R., and Jackson, V.W.. (2016) State of the Science: Implicit Bias Review 2016, Kirwan Institute for the Study of Race and Ethnicity. Pp 19-27. www.kirwaninstitute.osu.edu

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⁹ Blair, I. V., Ma, J. E., & Lenton, A. P. (2001). Imagining Stereotypes Away: The Moderation of Implicit Stereotypes Through Mental Imagery. *Journal of Personality and Social Psychology*, Vol. 5 No. 81, 828–841.

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¹² Carrel, S., Hoekstra, M. and West, J. (2015). The Impact of Intergroup Contact on Racial Attitudes and Revealed Preferences. The National Bureau of Economic Research. Paper No. 20940

¹³ President's Task Force on 21st Century Policing (2015). Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services.
https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

¹⁴ Id.

¹⁵ Plant, A.E. and Peruche, B.M. (2006). The Correlates of Law Enforcement Officers' Automatic and Controlled Race-Based Responses to Criminal Suspects. *Basic and Applied Social Psychology*. Vol. 28 No. 2.

¹⁶ Ma, D., Correll, J., Wittenbrink, B., Bar-Anan, Y., Sriram, N. and Nosek, B.A. (2013) When Fatigue Turns Deadly: The Association Between Fatigue and Racial Bias in the Decision to Shoot. *Basic and Applied Social Psychology*, 35:6, 515-524

¹⁷ Id. at 10.

¹⁸ Morrison, G.B. and Garner, T.K. (2011). Latitude in Deadly Force Training: Progress or Problem? *Police Practice and Research*. Vol. 12 No. 11, 341-361.

¹⁹ Id. at 3 Fridell.

²⁰ [Several studies](#) have shown that virtual reality (VR) simulations are more effective at training officers than classroom settings. New Jersey recruits and officers were trained at the Morris County Public Safety Training Academy, one of hundreds of centers across the country using virtual reality not simply to train officers how to shoot more accurately but to help them to decide whether to shoot at all." One trainee said the VR training "showed me how, if I had successfully talked the liquor bottle-wielding man down, instead of aggravating him and his friends, I could have avoided getting shot – and returning fire." "The interesting part about virtual reality is that you can design it for scenarios where officers in the past have failed, and you can give other officers the benefit of having been there before so that they can succeed," said Richard Wright, a 26-year police veteran who has authored one of the few studies on the effects of training police recruits with simulators. Realism also helps. The wrap-around screens, Booth said, forced his officers to engage their peripheral vision and remain aware of their surroundings – or risk getting shot by surprise. In March 2016, lawmakers in Utah passed a [bill](#) that explicitly authorizes the attorney general to fund and support a statewide virtual reality training center for use of force and de-escalation policies for agencies across the region." Examples of VR being used to train police:
<https://www.theguardian.com/us-news/2016/jul/11/police-virtual-reality-training-stop-shootings>

²¹²¹ Empirically Validated Strategies to Reduce Stereotype Threat,
<https://ed.stanford.edu/sites/default/files/interventionshandout.pdf>

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²³ Id. at 3 Fridell.

²⁴ Id. at 3 Fridell.

²⁵ Id. at 10.

²⁶ Rahr, S. and Rice, S.K. (2015) From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals. National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/248654.pdf>

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